

### Remarks

Claims 1, 10, 13, 16 and 17, as amended, are now pending.

Claims 2 through 9, 11, 12, 14, 15, and 18 through 20 have been cancelled.

In particular, claim 1 has been amended to limit the particulate filler to precipitated silica, to specify the organosilanes and to specify the initiator to be a combination of butyl lithium and tetramethyl ethylenediamine.

Adequate basis for limiting the particulate filler to precipitated silica in amended claim 1 is found in the original claim 1 and particularly original claim 7.

Adequate basis for specifying the organosilanes in amended claim 1 is found in original claim 6.

Adequate basis for using a combination of butyl lithium and tetramethyl ethylenediamine is found in original claim 2 where it is recited that “. . .said polymerization initiator is selected from at least one of . . .”

In practice, it is believed that the butyl lithium acts as the polymerization initiator and the tetramethyl ethylenediamine acts as a modifier for the butyl lithium induced polymerization reaction.

### The Rejection

The following U.S. patents to reject various of the Applicants' claims:

|           |                                |
|-----------|--------------------------------|
| 6,337,358 | Whitehouse, et al (Whitehouse) |
| 6,372,820 | Devonport                      |
| 6,518,367 | Yatsuyanagi                    |

The Applicants' claims 1, 2, 5, 7 through 11, 13, 14 and 16 through 20 have been rejected under 35 U.S.C. Section 102(e) as being anticipated by Whitehouse.

The Applicants' claims 1 through 3, 7 through 11, 13, 14 and 16 through 20 have been rejected under 35 U.S.C. Section 102(e) as being anticipated by Devonport.

The Applicants' claims 6, 12 and 15 have been rejected under 35 U.S.C. Section 103(a) as

being unpatentable over either Whitehouse of Devonport and either Whitehouse or Devonport in view of Yatsuyanagi.

The Examiner has indicated that claim 4 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including limitations of the base claim and any intervening claims. Accordingly, claim 1 has been amended.

The above rejections of the Applicants' claims under 35 U.S.C. Section 102(e) and 35 U.S.C. Section 103(a) is traversed with a request for reconsideration in view of amendments made to claim 1.

It is believed that the Examiner's objections to various of the Applicants' claims including a rejection under 35 U.S.C. Section 112, second paragraph, have been remedied by amendments made by cancellation of various claims and by amendments made to claim 1.

#### Discussion

The Whitehouse reference, in one aspect, is directed to modified particles where the particle is a carbon product, a metal oxide, a metal hydroxide, an aggregate comprising at least one silicon-containing species phase and at least one carbon phase, aggregate comprising at least one metal containing phase and at least one carbon phase or mixtures thereof.

The Applicants' amended claim 1 is limited to precipitated silica for the particle to be modified.

Accordingly, it is contended the Applicants' amended claims are not anticipated by Whitehouse under the requirements of 35 U.S.C. Section 102(e) nor is the invention of the Applicants' amended claims obvious in view of the Whitehouse reference.

The Devonport reference is apparently directed to modified particles where, at least in one aspect, the particle is a carbon product, a colored pigment other than a carbon product, a metal oxide, a metal hydroxide or mixtures thereof. There does not appear to be any specific teaching or suggestion of use of a precipitated silica as the particle to be modified.

The Applicants' amended claim 1 is limited to precipitated silica for the particle to be modified.

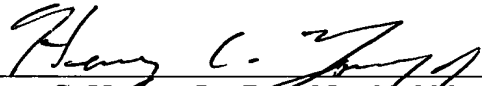
Accordingly, it is contended that the Applicants' amended claims are not anticipated by Devonport under the requirements of 35 U.S.C. Section 102(e) nor is the invention of the Applicants' amended claims obvious in view of the Devonport reference.

Further, it is contended that the Applicants' amended claims are not rendered obvious in view of a combination of the Whitehouse and Devonport reference and that a prima facie case of obviousness of the invention of the Applicants' amended claims is not made out by the combination of Whitehouse and Devonport under the requirements of 35 U.S.C. Section 103(a) whether or not taken with the Yatsuyanagi reference individually or in combination.

#### **Conclusion**

In view of significant amendments made to the Applicants' claims, particularly claim 1, it is believed that the Applicants amended claims are patentably distinct from the cited Whitehouse, Devonport and Yatsuyanagi whether applied singularly or in combination and whether applied under 35 U.S.C. Section 102(e) or 35 U.S.C. Section 103(a).

Respectfully submitted,

  
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